IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 7134 of 2005

Between:

Chaitanya Badili Karmikula Seniority Labour Society, (19/395), Society No.739/2001, rep.by its president,
A.Narasamma, W/o.Penchalayya,
Guntaki Town, Ananthapur District.

..... PETITIONER

AND

1 The Commissioner Guntakal Municipality, Guntakal, Ananthapur District.
2 Yuvajana Parisudya Karmika Samsta, rep.by its president Obulamma, W/o.not known,
Guntakal, Ananthapur District.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in accepting the tender for the works in pursuance of tender notice ROC.No.434/2005/F1 dated 15-2-2005 in favour of the 2nd respondent who is the high bidder as highly arbitrary and illegal and consequently set aside the same and accept the tender of the petitioner who is the lowest bidder and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.M.KESAVA RAO

Counsel for the Respondent No.1: MR.S.I.NEWTON

The Court made the following :

ORDER:

This writ petition has been filed by the Chaitanya Badili Karmikula Seniority Labour Society represented by its President A.Narasamma with a prayer to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in accepting the tender of the 2nd respondent for the works in pursuance of tender notice ROC No.434/2005/F1, dated 15-2-2005 as illegal and arbitrary.

2. The case of the writ petitioner as seen from the affidavit filed in support of petition is as follows: The petitioner's society is a society registered under the Societies Registration Act, XXI of 1860. The 1st respondent herein vide ROC No. 434/2005/F1, dated 15-2-2005 has issued tender notice calling sealed tenders from the eligible retired workers/their children and Badilee workers societies for sanitation work on contract basis for a period of 1 year i.e. from 1-4-2005 to 31-3-2006, in 9 wards of Guntakal Town of Municipality. It is the contention of the writ petitioner that the writ petitioner has quoted 36% less than estimated cost, whereas the 2nd respondent quoted 16% less than estimated cost and therefore, the amount quoted by the petitioner is to be accepted by the Commissioner, Guntakal Municipality-1st respondent.

3. Heard the learned counsel for the petitioner and learned Standing counsel for respondent No.1.

4. Learned Standing counsel submits that the tenders have not been finalized and the matter is still pending for consideration. The bid quoted by the 2nd respondent has not been accepted. Since, the tenders have not been finalized the writ petition is premature and the same is hereby dismissed, giving liberty to the writ petitioner to question the action of the 1st respondent in case work is entrusted to the 2nd respondent.s No order as to costs.

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B.Seshasayana Reddy,J.

27th June, 2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner Guntakal Municipality, Guntakal, Ananthapur District.
2 Yuvajana Parisudya Kamika Samsta, rep.by its president Obulamma, W/o.not known,
Guntakal, Ananthapur District.

3. 2 CD copies

4. 1 CC to MR.NEWTON

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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27TH JUNE, 2005.